

1 WO

2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA
9

10
11
12 Carina Boon,)
13)
14 Plaintiff,) No. CIV 04-1037 PHX RCB
15 vs.)
16)
17 Kenneth S. Countryman, P.C.,)
18)
19 Defendant.)
20)
21)
22)
23)
24)
25)
26)
27)
28)

On May 21, 2004, Plaintiff filed a complaint against Kenneth S. Countryman, P.C., claiming damages due to legal malpractice. Comp. (doc. 1). Plaintiff did not serve Defendant with the complaint and summons until March 11, 2005. (doc. 13). Thereafter, Defendant filed a motion to dismiss this case with prejudice. Motion to Dismiss (doc. 14). On March 31, 2005, Plaintiff filed a motion requesting that this matter be set for trial. Motion for Trial (doc. 15). Neither party filed a response to the opposing party's motion.

In his motion to dismiss, Defendant moves the Court to dismiss this action with prejudice. Motion to Dismiss (doc. 14) at 1. Two

1 of the grounds asserted by Defendant in support of dismissal are
2 (1) that the Court lacks jurisdiction over the person of Defendant;
3 and (2) that there is no diversity among the parties to the action.
4 Id. However, Defendant raises no arguments in support of his
5 request that the case be dismissed with prejudice. Motion to
6 Dismiss (doc. 14).

7 Upon review of Plaintiff's complaint, the Court notes that
8 Boon does not assert any federal claims. (doc. 1). In her
9 complaint, she only indicates an intention to pursue legal
10 malpractice claims. Id. Moreover, Plaintiff's complaint does not
11 establish diversity among the parties or that the amount in
12 controversy meets the required minimum to qualify for diversity
13 jurisdiction. Thus, the Court concludes that it lacks jurisdiction
14 over this matter. However, the Court is not convinced that the
15 matter should be dismissed with prejudice.

16 Therefore,

17 IT IS ORDERED that Defendant's motion to dismiss (doc. 14) is
18 GRANTED in part and DENIED in part. This case is dismissed without
19 prejudice.

20 IT IS FURTHER ORDERED that Plaintiff's motion to set this
21 matter for trial (doc. 15) is DENIED as moot.

22 DATED this 4th day of October, 2005.

23
24
25 

26 Robert C. Broomfield
27 Senior United States District Judge

28
27 Copies to counsel of record